NON-OFFICIAL BUSINESS.

III

A BILL FURTHER TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, OF Mr. SAMI VENKATACHALAM CHETTI.

* Mr. SAMI VENKATACHALAM CHETTI :—" Sir, since I gave notice of my motion to beg leave of this House to introduce an amending Bill to the City Municipal Act, the Corporation of Madras has constituted a committee to examine the present Act with a view to suggest more comprehensive amendments than the one I have given notice of. I have also received a suggestion from the Secretary to the Local Self-Government Department that I would be well advised to postpone my asking for leave at this stage. I therefore beg of you to allow me to withdraw the motion."

The motion was accordingly not made.

IV

A BILL TO AMEND SECTIONS 112, 116 AND 117 OF THE MADRAS LOCAL BOARDS ACT, 1920, OF RAO BAHADUR A. S. KRISHNA RAO PANTULU.

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I ask for leave to introduce a Bill to amend the Local Boards Act, 1920. At this stage one is not permitted to make a statement because it is a mere application for leave, and after the motion is put and leave granted, the Bill is to be published, after which stage there can be any discussion on it."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Before we make up our minds to grant the leave, we should know something about which leave is asked for."

* The hon. the RAJA OF PANAGAL :—" Sir, I am not generally averse to leave being granted for the introduction of Bills. On this occasion, I may say that the Bill proposed to be introduced is absolutely unnecessary, because the interference of the Government with the budgets of local bodies is possible under the existing law only when the budgets are not balanced."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, if it is to be opposed, I am to make a statement. If you will permit me, Sir, I shall make a statement."

* The hon. the RAJA OF PANAGAL :—" While I do not want to oppose the granting of leave for introduction of this Bill, I want to tell the hon. Members that they are unnecessarily giving heavy work to the Secretariat by introducing such Bills. I am sure that the Bill will have to be dropped at a later stage. So I only want to tell my hon. Friend that there is no use in asking for leave to introduce the Bill. As I already said, I would not object to leave being granted."

* Mr. R. SRINIVASA AYYANGAR :—" Some of us on this side of the House are at a disadvantage in not being in a position to know what the Bill is like, and it is therefore impossible for us either to understand what the leave is for or to appreciate the opposition directed against it."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I will make a statement for the benefit of the hon. Members of this House."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" On a point of order, Sir. The statement is to be made only if there is any objection, and there is no objection raised by the hon. the Minister for Local Self-Government as he has just now said."

* Mr. R. SRINIVASA AYYANGAR :—" To draw out a statement, I say I object."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" The Bill is a short one, and deals with three sections of the Local Boards Act, 1920, viz., sections 112, 116 and 117. So far as section 112 is concerned, sub-clause (1) says that the funds of a local board are to be utilized for certain purposes such as for construction, repair and maintenance of roads, bridges and other means of communication, for planting of trees on roadsides, for the construction and maintenance of hospitals, etc. Sub-clause (2) says :

'The funds of a local board shall be applicable to the purposes mentioned in sub-section (1) within the area of the local board, subject to the rules in Schedule V and any further rules that may be prescribed ; and shall be applicable to such purposes outside the local board area if the expenditure is authorized by this Act or is specially sanctioned by the local Government.'

" I suggest that there is no justification for the further restrictions in that section by means of the rules to be prescribed. So there is no necessity for any further rules.

" So far as sections 116 and 117 are concerned, they deal with the orders which will be passed by the Government on the budget sent by the local board. This is what section 117 says :

'(1) The district board shall, not later than 15th February in each year, submit to the local Government a consolidated budget for the following year of all local boards in the district.

(2) If such consolidated budget fails to provide for the due discharge of all liabilities in respect of loans contracted by any local board or for the maintenance of a working balance, the local Government may direct that any part of it shall be so altered as to ensure that such provision is made '

" I may point out that the words ' any part of ' are absolutely unnecessary and they give rise to difficulty in working the provisions of the Act. The object of the legislature in enacting sections 116 (3) and 117 (2) is merely to ensure that the local boards make provision for the discharge of their obligations in the matter of maintaining the minimum working balance, and the Government is empowered to so alter the budget as to ensure it. If the words ' any part of ' are retained, it gives scope for the local Government to enter into details and say that one school ought to be closed here and Rs. 5,000 should be cut out from that item and so on. Again, the discussion at the time of the passing of the Local Boards Act will show that it was never their intention to fetter the discretion vested in the local boards or place any restrictions on them in respect of expenditure, but they only wanted to provide for the discharge of liabilities and for the maintenance of a minimum working balance by the local boards. So I want to delete those words ' any part of '. Those are my amendments."

The motion was put and carried and the leave applied for was granted.